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National Pollutant Discharge Elimination System

NPDES

3/2016

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Clean Water Act



The 1972 amendments to the Federal Water Pollution Control Act (*known as the Clean Water Act or CWA*) provide the statutory basis for the NPDES permit program and the basic structure for regulating the discharge of pollutants from point sources to waters of the United States. Section 402 of the CWA specifically required EPA to develop and implement the NPDES program.



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Disturbance of one acre or more



Authorization Highlights

- Training of Personnel
- Construction activities
- Critical Points Addressed by Plans
- Public Notification
- Emergency Authorizations
- MDE Notifications
- Special Conditions
- Water Quality Standards
- Notice of Termination (NOT)
- Penalties
- Standard Inspection Form



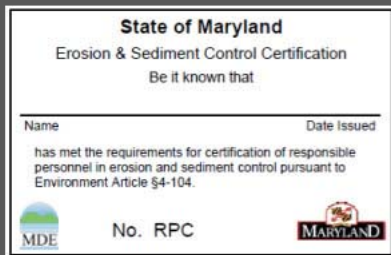
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Training of Personnel



The permittee must ensure that responsible personnel holding a valid certificate of attendance at training program in accordance with Environment Article § 4-104 are on site as required by the approved Erosion and Sediment Control Plan. The permittee must ensure that all site personnel are trained to understand aspects of permit and plan compliance relevant to their specific duties, including but not limited to BMP installation/maintenance and preventing and reporting spills and damaged BMPs.



<http://mdrpc.mde.state.md.us>

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Construction Activities



"Construction Activity" means clearing, grading, excavating, or other earth disturbing activities that result in a land disturbance equal to or greater than one acre, including the disturbance of less than one acre of land that is part of a larger common plan of development or sale that will ultimately disturb more than one acre. Construction activity includes construction-related activities that specifically support the construction activity and involve earth disturbance or pollutant-generating activities of their own, and can include activities associated with equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas. Construction activity does not include earth disturbance for agricultural and silvicultural production activities such as for orchards, cultivated crops, pastures, range lands, and forest lands, unless those activities involve construction of structures, roads, or other appurtenances.



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Critical points addressed by plans



As shown in Part II A.3.a through A.3.i (in the permit) these are basic elements to be included in the plan. These commitments need to be followed through the construction phase.


- 'Environmental Site Design'
- Control of Construction Equipment
- Limitation of Site Clearing
- Limitations on Clearing of Steep Slopes



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NOI and Public Notice



14-day public notice.

MDE e-Permits

Welcome to the online Maryland Department of the Environment e-Permits interface. Projects that disturb one or more acres of earth must apply for either a General or Individual Permit for Stormwater Associated with Construction Activity, and obtain coverage under that permit before beginning earth disturbance on any part of the project. All projects may apply for a general permit unless the Maryland Department of the Environment (MDE) has indicated that an individual permit is required. All applicants may use the e-Permits interface whether they are applying for an individual or a general permit. More information about the application process, in addition to important documents such as the text of the General Permit and the required self-inspection form, is available at MDE's stormwater associated with construction activity webpage: <http://go.usa.gov/gFMW>.

Projects that initially disturb less than one acre, but that are part of a plan of development that will ultimately disturb one acre or more, must also obtain a General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance on the first part of the project.

Existing general or individual permittees who seek to increase the disturbed acreage covered by their permit must also use this interface. Increases of one acre or more will follow the same process as a new project, including a public notification period. Permittees can submit increases of less than an acre of disturbance through this interface as well. MDE will review those submittals, and generally a public notification period will not be required.

Permittees may submit transfers of authorization through this interface. To transfer the entire permit to another responsible party, use a full transfer. To transfer just a portion of the permitted area to another responsible party, use a partial transfer.

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Emergency Authorization



Part I. D

Emergency Authorization: A person who must conduct earth-disturbing activities prior to obtaining general permit coverage in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, must obtain emergency authorization from the Director within 24 hours after initiating earth-disturbing activities. The person must obtain such emergency authorization in writing or via electronic mail. If the Director denies emergency authorization, **the person must immediately stabilize earth disturbance and complete the authorization process under Part I.D.1 above before resuming earth disturbance. Where circumstances allow, it is recommended that a person obtain emergency authorization prior to initiating earth-disturbing activities. A person with emergency authorization is authorized to discharge on the condition that a complete and accurate NOI is submitted within 7 calendar days after commencing earth-disturbing activities, and must ultimately complete all requirements to obtain regular coverage under the general permit.** The person must provide a copy of the emergency authorization with the NOI.

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MDE Notifications



Triggering Event (Part IV B.1.a through B.1.g)

- Discharge of a significant amount of sediment . . .
- Identify event and inspect with documentation.
- Notify MDE of the event within specified time frames.
- Determine action to be taken to correct.
- Determine action to be taken to prevent additional triggering events.



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MDE Notifications



Bypass (Part VI G.1 through VI G.4)

- Intentional diversion of waste (sediment) streams from any portion of a treatment facility.
- Anticipated or unanticipated requires specified notifications to MDE.



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MDE Notifications



Upset (Part VI H.1 through VI H.4)

- An exceptional incident where there is an unintentional and temporary noncompliance due to failure of technology or unforeseen events.
- The burden of proof is on the permittee. 'Notice of Upset' to the MDE is required.

Example:

In a dewatering operation the contractor has utilized an approved filter bag in which the manufacturers recommendations for use are being followed. If the bag comes apart at the seams and sediment is lost, this would constitute an upset, it was a failure of technology and beyond the control of the people involved. When an upset occurs, MDE must be notified. In the same scenario, say the contractor is not following the manufacturers recommendations, is using too large a pump which results in stressing the filter bag beyond its limits. If a failure occurs because of this, a non-compliance issue has occurred and this is not considered an upset.



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Special Conditions



Prohibition against Non-Stormwater Discharges.

Discharges of material other than stormwater not listed in paragraph below must be in compliance with an NPDES permit (other than this permit) issued for the discharge. Stormwater or process water discharges from concrete and asphalt plants, including batch plants, are not authorized under this permit and must have coverage under the General Permit for Discharges from Mineral Mines, Quarries, Borrow Pits and Concrete and Asphalt Plants or other individual permit. Discharges of stormwater which has contacted disturbed areas with known contamination by pollutants other than sediment are not authorized under this permit. The following discharges are also prohibited:

- Wastewater from the washout of concrete, unless managed by an appropriate control in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control, Section H-6.
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- Soaps or solvents used in vehicle and equipment washing

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WaterQuality



Turbidity is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air. The measurement of turbidity is a key test of water quality.

Effluent is defined by the EPA as “wastewater - treated or untreated - that flows out of a treatment plant, sewer, or industrial outfall. Generally refers to wastes discharged into surface waters”



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Water Quality



NTU (Nephelometric Turbidity Units): A measure of particles suspended in water.

Sediment Pollution is Measured for Turbidity by NTUs.



3.11 NTUs

52 NTUs

145 NTUs

269 NTUs

1700 NTUs

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WaterQuality



Currently MDE relies primarily on visual observation (for example, dewatering operations) as a leading indicator.

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TMDL



TMDL -- Total Maximum Daily Load describes a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

SHA has implemented a program to meet the Chesapeake Bay TMDL requirements.



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Notice of Termination



Once the project is completed, stabilized, and the erosion and sediment controls removed with MDE approval, the Notice of Termination should be completed by the permittee.

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Note: The Standard Inspection Form is to be completed until the NOT is received and approved by MDE.

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Penalties



- Civil penalties may be applied to any person—up to \$37,500 for each day of each violation.
- Criminal penalties may be applied to any person who violates:
 - Negligently - -\$2,500 to \$25,000 (and/or up to one year imprisonment) second or subsequent a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both;
 - Knowingly - -\$5,000 to \$50,000 (and/or up to three years imprisonment) second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more per day of violation, or imprisonment of not more than 6 years, or both; than \$100,000
 - Knowingly and places another person in eminent danger of death or serious bodily Injury - up to \$500,000 and/or 30 years imprisonment



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Penalties



WARNING

Any person who: falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

These penalties can apply to anyone.

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Standard Inspection Form




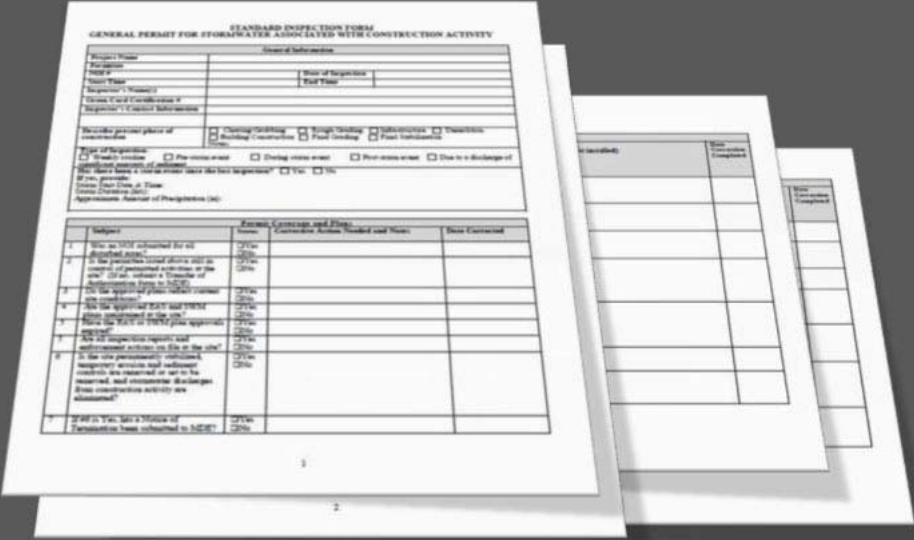
- This four-page inspection form is required for all projects with one acre of disturbance or more.
- It is completed by the permit holder weekly (Sunday through Saturday) and after every rain event resulting in runoff.
- Corrective actions must be documented on the form.
- For areas meeting stabilization requirements of COMAR 26.17.01.07.B.6(f) and the erosion and sediment control plan, once per month (if construction activity resumes in such a portion of the site at a later date, the inspection frequency immediately increases to that required in a and b; the permittee must document the beginning and ending dates of the period of stabilization in its inspection records);
- The completed inspection forms will be maintained at the site for MDE review. They must be completed for the duration of the project until the NOT is submitted to MDE.
- They are to be archived for a period of three years from the date the site is permanently stabilized.



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Standard Inspection Form

NPDES Standard Inspection Form
Completed by the permittee (State Highway)

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